March 31, 2014

Peter Hill
Director General, Spectrum Management Operations Branch
Industry Canada
235 Queen Street
Ottawa ON K1A 0H5

Delivered by email

Dear Mr. Hill:

Re: Canada Gazette, Part I
Publication Date: March 1, 2014
Notice No. DGSO-001-14, Consultation on Amendments to Industry Canada’s Antenna Tower Siting Policies

Town of Oakville Comments

The town has the following submission to Industry Canada’s current consultation on the proposed amendments to the CPC-2-0-03 Procedure. The town went through its own consultation process in developing a local protocol for proposed telecommunications installations in 2011 and 2012. A copy of Oakville’s Interim Radiocommunications Facilities Protocol is attached for your consideration.

Many elements of this protocol have found their way into the FCM/CWTA protocol template, reflecting Oakville’s leadership on this issue. It is encouraging to see Industry Canada’s support and reflection of the protocol template in the proposed amendments to CPC-2-0-03: in particular, the requirement for all broadcast and telecommunications carriers to consult with a Land Use Authority (LUA).

The town supports the amendments proposed, and suggest Industry Canada to go further by adopting the following additional amendments based on the May 2012 Interim Radiocommunications Facilities Protocol and Oakville’s experience dealing with radiocommunications installations.

Item 5.2: Default Consultation Process
The Default Consultation Process should include a requirement to post a notice sign and to hold a public open house. These forms of consultation are standard practice for any other development process in Ontario. Notice signs have been used in Oakville successfully to inform our residents and businesses about proposed installations. A notice sign, in particular, would avoid the issues and challenges associated with the paper mailing – and are familiar to individuals as a typical part of a landscape where development occurs.

Item 5.4: Exclusions
All installations below 15.0 metres should be required to consult with the municipality, not solely broadcast undertakings and telecommunications carriers. Similarly, all co-locates, additions to existing towers, or the erection of new non-tower structures should also be required to consult with the municipality.

To this effect, Oakville requires all proponents to confirm their exclusion under CPC-2-0-03 with the Town. This is done through an email following a routine meeting at the beginning of the local consultation process, where consultation expectations are defined.
Item 5.5: Environmental Legislation

- Requirements to comply with Provincial and municipal policy and regulations should also be included in the second-last paragraph. Such locally developed requirements ensure other forms of development respect the local environment that cause effects similar to other construction projects.

Further, the town wishes to point out six further elements of its May 2012 protocol that Industry Canada should be including in the updated CPC-2-0-03 Procedure. These policies ensure that local consultation is meaningful:

- The document issued by a land use authority should be called a “letter of comment” that more accurately reflects the municipal role in Industry Canada’s consultation process. This would remove the ambiguity over the land use authority role in Industry Canada’s process.
- Reference should be made as appropriate throughout CPC-2-0-03 that a proponent shall obtain a letter of comment from a land use authority prior to any authorization being issued by Industry Canada.
- Clarity needs to be provided regarding “community sensitive locations” in Section 6 of CPC-2-0-03 beyond the mandated consultation provided for by Item 5.4 above. In particular, Industry Canada needs to respect a municipality’s need to define areas where a radiocommunications installation cannot be located—a typical policy provision for virtually every form of development.
- An estimate of the power density (watts per square metre) that would be emitted by the radiocommunications facility measured at the nearest point of the building (ideally, that point of a building associated with a “community sensitive location” as defined by the land use authority) should be required to be included in the notification package and application for a municipal letter of comment.
- There should be post-construction requirements for proponents to provide copies of as-built structural drawings and the Safety Code 6 Site Validation Report to the land use authority.
- Industry Canada needs to maintain on their website timely and accessible information on the location, power density, and owner/leaseholder information for all radiocommunications facilities in a user-friendly format. The current database system is not user-friendly and inaccessible to a broad range of stakeholders.

In the absence of these changes, the local Member of Parliament should be required to provide a letter of endorsement for the proposed installation.

Sincerely,

Ray Green, P.Eng
CAO

Encl.

cc: Jane Clisham, Commissioner, Community Development
    Dana Anderson, Director of Planning
    Joe Nethery, Manager, Zoning By-law